

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

**Criminal No. 04-39**

MAURICE ASKEW

**ORDER DENYING PETITIONER'S  
MOTION TO VACATE (DOC. NO. 95)**

AND NOW, this 1<sup>st</sup> day of April, 2010, for the reasons set forth in the Memorandum Opinion (Doc. No. 120), Petitioner's Motion to Vacate (Doc. No. 95), as amended, is HEREBY GRANTED as to the improper special assessment of \$100.00 imposed for his conviction at Count I of the indictment, and in all other respects is HEREBY DENIED.

IT IS FURTHER ORDERED that petitioner cannot demonstrate that reasonable jurists would find this Court's assessment of his constitutional claims debatable or wrong. None of the rulings on the several issues were close calls. Accordingly, the Court declines to issue a Certificate of Appealability pursuant to Section 102 of the Antiterrorism and Effective Death Penalty Act, 28 U.S.C. § 2253 (as amended).

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc:

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